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C O N F I D E N T I A L SECTION 01 OF 03 KHARTOUM 000153

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DEPARTMENT FOR SE WILLIAMSON AND AF/SPG

E.O. 12958: DECL: 01/30/2013

TAGS: KDEM PGOV PHUM PREL SU

SUBJECT: MINISTER OF PARLIAMENTARY AFFAIRS ON CHALLENGES TO ELECTIONS AND REFERENDUM

Classified By: CDA Alberto Fernandez, reasons 1.4 (b) and (d)

**¶1.** (C) Summary: On January 30, Parliamentary Affairs Minister Joseph Okel told the Charge that the presence of 3 million Southerners in the North and many former Popular Defense Force fighters in the South offer the NCP significant leverage to manipulate the outcome of the 2011 referendum on national unity as well as the 2009 national elections. He complained that, in the South, the SPLM is resorting to tactics similar to those of the NCP in the North and that it has failed to reach out to smaller opposition parties, such as his own. Okel also reviewed issues regarding several pieces of legislation key to holding free and fair elections in 2009. End Summary.

**¶2.** (U) On January 30, Charge Fernandez called on GoS Minister for Parliamentary Affairs Joseph Okel. Okel is a member of the Government of National Unity (GNU) from the South and is the leader of the United South African Party (USAP), a small regional party of South Sudan in favor of an independent South. Okel commented that his USAP had participated in the negotiation of the Comprehensive Peace Agreement (CPA) and that he had returned to his home town of Wau to participate in the January 9 third-anniversary observations of the CPA signing. Okel has won local office in Wau since 1977 where he has tribal roots.

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2009 Elections: Major Challenges Remain  
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**¶3.** (SBU) Okel commented that &the idea of the transformation to democracy& is &slow& in Sudan. CDA Fernandez responded that, while Southern Sudan has many problems, it also has tremendous promise. The CDA asked whether Okel thought that the national elections scheduled for 2009 under the CPA would take place on time. Minister Okel replied that many things must occur before elections can take place. For example, the national census must be carried out and refugees must be repatriated to their home areas.

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2011 Referendum: Big Opportunities for the NCP to Cheat  
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**¶4.** (C) Turning to the planned 2011 referendum on Southern Sudan independence, the Minister noted that approximately 3 million southerners residing in the North offer the ruling National Congress Party (NCP) the opportunity to manipulate the referendum's outcome by coercing them to vote against separation. Alternatively, the NCP could simply falsify the votes of these Southerners living in the North. Either option provides the NCP the opportunity to rig the referendum.

¶ 15. (C) Minister Okel noted still another potential avenue for the NCP to skew referendum results toward its own desired outcome: the presence in the South of many former &mujahideen<sup>8</sup> from the North who remain in the South following the civil war (or who are back in Khartoum and can go back to vote as pretend "southerners"). The Minister said that legislation on the referendum still has yet to be drafted and the NCP would certainly try to manipulate it to enable them to interfere as much as possible. If the law when adopted requires only a six-month residency for voters in the South to participate in the referendum, these Northerners (and NCP loyalists) and other Northerners who might move South between now and 2011 would be able to vote against the South's secession.

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SPLM: Copying from the NCP,s Play Book  
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¶ 16. (C) Turning to the situation in the South, Okel commented that the opposition Sudan Peoples Liberation Movement (SPLM) is unfortunately doing what the NCP is doing in the North, noting that when he travels through the South to meet with members of his own party, local authorities ask whether he has received &approval from Juba<sup>8</sup> to do so. CDA agreed, noting that the SPLM means well, but it thinks like the NCP as a defensive mechanism. The SPLM believes it is engaged in a conflict with a mortal enemy in the North. Therefore, it believes the South must be united or it will be destroyed by the NCP and so is trying to impose such unity. The SPLM must learn to be democratic and recreate Khartoum in Juba.<sup>8</sup>

¶ 17. (C) The Minister remarked that the SPLM is not serious about cooperating with other political parties in creating a united front to oppose the NCP. He said that intra-party

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committees created under John Garang have been allowed to collapse. CDA Fernandez said that the United States has been telling the SPLM that the South must be unified, but that this unity must be voluntary, it cannot be forced and that the SPLM also needed to reach out to other marginalized people in the North and Darfur. The United States must now reinforce this message: do not become like the NCP, you can be so much better.

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Party Law Constraints  
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¶ 18. (C) Okel said that political parties, under Sudan,s Party Law, are required to register. While the SPLM has not yet registered, it must do so when it holds its party convention. The CDA noted that the Umma Party also has not yet registered. Okel stated that under the Law, parties must have a minimum number of members and a minimum amount of funds in order to register. These requirements will hobble some of the smaller parties. The Charge commented that both the NCP and, to a lesser extent, the SPLM, have access to government funding and to the media. This is a tremendous advantage for both. At the same time, the GNU has banned political parties from receiving support from abroad.

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Building a National Alliance of Democratic Parties  
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¶ 19. (C) Returning to the issue of intra-party cooperation, Minister Okel complained that the National Democratic Alliance (NDA), which used to be led by the SPLM has become defunct. Okel said that following the Comprehensive Peace Agreement, the democratic parties agreed to elect a new NDA Committee, but that this never happened. A functioning NDA would allow regional parties (such as Okel,s USAP) from both the North and South to cooperate with the SPLM to form a united, national front to combat the NCP. The Charge agreed

that another weakness of the SPLM is that it turns to the other opposition parties only in times of crisis. It needs to do this before hand, to have the bridges built and ready when they are needed. Both agreed that there is an urgent need to enhance international support for pro-democracy parties in Sudan with very little time to do so.

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Key Legislation: Parliamentary Law, Elections Law, Security Law

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¶10. (C) Asked about the status of the Parliamentary Law, the Minister said that the draft had been submitted to the Council of Ministers, but then withdrawn on the initiative of the Interior Minister. As drafted, the law assigns operational authority over police in the capital to the governor of Khartoum, with the role of the Interior Ministry restricted to training and other support. The Interior Minister wants to retain his current direct control of the capital's police force and the ability to use it for partisan ends. The law is now in limbo.

¶11. (C) CDA asked Okel to explain the controversy over percentages of parliamentary representation in the draft Elections Law. Okel said that the NCP is advocating for 60% of members of parliament to be elected on the basis of direct representation (or "first-past-the-post"). The remaining 40% of candidates, to include 25% of women that must be elected, will be elected via proportional representation. The SPLM, allied with 12 other political parties (including Umma, DUP, NDA, Communist, and others), is fighting for a system whereby 50% of parliamentary candidates are selected in a first-past-the-post system and 50% (including the 25% of women to be elected) are elected via proportional representation.

¶12. (C) Okel remarked that adopting a new Security Law is a key prerequisite to free and fair elections, but that a new law has yet to be drafted, let alone submitted to parliament.

The CDA commented that until a new law is passed, the old Security Law remains in effect, which provides free rein to action by the security services. No new press law, also a prerequisite for elections, has been drafted either.

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Comment  
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¶13. (C) The elderly but knowledgeable Minister Okel proved to be a lively and well-informed interlocutor on key issues regarding the elections and the referendum. This is the first time we have heard the suggestion that the NCP might strong-arm or otherwise manipulate the referendum votes of the Southerners living north of the 1-1-56 border or seek to infiltrate NCP loyalists into the South. However, both of these strike us as real possibilities that will bear close watching as the referendum approaches.

FERNANDEZ